

Facts in Opposition to Plaintiff's Motion for Partial Summary Judgment, and in support thereof avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted in part, denied in part. It is admitted that Columbia Gas's January 7, 1983 blanket Certificate authorizes Columbia Gas ". . . to conduct many routine activities and abandon facilities and service on a self-implementing basis without further authorization by the Commission." Comp. Ex. 2. It is denied, however, that Columbia Gas's authority permits it to replace an already existing pipeline by relocating it onto a property that it does not have a pre-existing property interest. There is a genuine issue to be tried as to whether Columbia Gas's blanket Certificate provides it with the power to take an individual's property via eminent domain for purposes of relocating a pipeline. 18 C.F.R. §§ 157.201-157.218 (2012).
8. Denied. Specific proof demanded.
9. Denied. Specific proof demanded.

10.Denied. Specific proof demanded.

11.Admitted.

12.Admitted.

WHEREFORE, for the above reasons, Defendants respectfully request that Plaintiff's Complaint in Condemnation be dismissed.

Respectfully submitted,

Lavery Faherty Patterson

DATE: 06/14/2013

By: /s/Michael F. Faherty, Esquire

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CERTIFICATE OF SERVICE

I, Linda S. Wallace, an employee with the law firm of Lavery Faherty Patterson, do hereby certify that on this 14 day of June, 2013, I served a true and correct copy of the foregoing ***DEFENDANT'S RULE 56.1 STATEMENT OF MATERIAL FACTS IN OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT*** U.S. Middle District Court's electronic case filing system, addressed as follows:

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This document has also been electronically filed and is available for viewing and downloading from the ECF system.